

18.84.410: OWNER OCCUPIED ACCESSORY APARTMENTS:

- A. Purpose And Objectives: The purpose and objective of the owner occupied accessory apartment ordinance is to recognize the unique family rural character of Mapleton City and to accommodate supplementary living accommodations in some appropriate areas of the community. These provisions are intended to meet community demands for affordable housing and residential accommodations for transient residents, family, and extended family residents with reasonable limitations on their use and impact on neighboring properties and neighborhoods. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Utah County tax assessment rolls.
- B. Limitations On Owner Occupied Accessory Apartments:
1. Use And Location:
 - a. Owner occupied accessory apartments shall be a conditional use which may only be permitted in the A-2, RA-1, RA-2, R-1-B, and R-2 zones provided that the minimum lot size where the home is located shall not be less than fourteen thousand five hundred (14,500) square feet. The home must be a single-family detached dwelling unit. Attached dwelling units and homes located on pad sites or lots with less than fourteen thousand five hundred (14,500) square feet shall be prohibited from having an owner occupied accessory apartment, or similar.
 - b. An owner occupied accessory apartment is a conditional use. If the use of the apartment is proven to be abandoned for a period exceeding one year the approval of the owner occupied accessory apartment shall expire. After such expiration, a new application can be made, and a new application fee shall apply.
- C. Conditions For Permit: The conditions upon which owner occupied accessory apartments may be permitted are as follows:
1. Number And Location Of Owner Occupied Accessory Apartments Per Dwelling: A maximum of one accessory apartment shall be allowed in each owner occupied single-family dwelling subject to the requirements in subsection B1a of this section. No accessory apartment shall be permitted in a nonowner occupied dwelling. No more than one owner occupied accessory apartment shall be located on any parcel of property.
 2. Parking: A single-family dwelling with an owner occupied accessory apartment shall provide at least two (2) additional off street parking stalls designated for use by the accessory apartment. In counting parking stalls to comply with this condition, no parking stalls shall be counted within the garage, unless the home has a third car garage, and the garage has direct access to the accessory apartment. No parking stalls shall be within the front yard setback or side yard setback adjacent to a street. Parking areas and driveways shall be paved, or graveled.
 3. Utility Meters: A single-family dwelling with an owner occupied accessory apartment shall be charged for the number of actual water connections, sewer connections and two (2) garbage containers. Two (2) monthly sewer connections shall be billed, whether or not the applicant chooses to make two (2) connections for sewer. All city provided utilities, including sewer, water, and garbage collection shall be in the property owner's name and the property owner shall be responsible for payment of all utilities.

4. Minimum Size: The size of an accessory apartment shall be at least three hundred (300) square feet. In addition, the single-family dwelling shall maintain a minimum of one thousand (1,000) square feet of finished living space separate from the accessory apartment. An exception shall be made for existing homes that simply wish to convert the basement into an owner occupied accessory apartment. "Existing homes" shall be any home that existed prior to the passage of this section.

5. Building Entrances: To maintain a structure which is, in all respects, by design, construction, and appearance a single-family residence all entrances to and exits from the apartment shall be on the side or rear of the structure, or not visible from the street.

6. Arrangements: A structure having an accessory dwelling unit under the provisions of this section shall provide separate kitchen, sleeping, and sanitary facilities for the accessory dwelling, separate from those provided as part of the main residential structure.

7. Detached Buildings, A-2 And RA-1 Zones Only: One owner occupied accessory apartment may be located within a detached garage or barn as long as the building serves as a function other than to be a separate dwelling unit. The home/property owner must reside in the main dwelling unit. Said structures shall only be limited to a detached garage or barn. The building must appear as if it was not a separate dwelling unit, and must have an internal entrance. Owner occupied accessory apartments shall only be allowed above, in back, within, or to the side of the garage or barn. The size of the accessory apartment shall not exceed fifty percent (50%) of the total size of the structure, but in no case shall the apartment exceed one thousand (1,000) square feet. Said barn shall be located on the same lot or parcel of property as the main dwelling unit, and no other accessory apartments shall be permitted, either attached, or detached from the home wherein the owner of the property resides.

D. Owner Occupied Accessory Apartment Permit: Any person constructing or causing the construction of a residence that has an accessory apartment or any persons remodeling or causing the remodeling of a residence for an accessory apartment, or a person desiring an accessory apartment shall obtain an accessory apartment permit from the planning and zoning director. Before the permit is issued, the applicant shall:

1. Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings or additions, dimensions from buildings or additions to property line, the location of parking stalls, and utility meters.

2. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.

3. Pay fees, including a one time impact fee as established by the city of Mapleton for accessory apartments in accordance with the city of Mapleton's established fee schedule, available at the Mapleton City offices. After an impact fee has been paid for an accessory apartment use at one location, no impact fee will be required for future accessory apartment use of the same building. Impact fees for accessory apartments shall be fifty percent (50%) of the regular impact fees for new home construction. If the proposed accessory apartment is located within a proposed new home, then the impact fees shall be paid for both the accessory apartment and the new home. Impact fees shall only be paid once per accessory apartment. If the use of an accessory apartment is abandoned, and a new application is made to use the accessory apartment at a later date, no new impact fees shall be required.

Decisions of the planning and zoning director not to issue an owner occupied accessory

apartment permit as a conditional use, are appealable to the city council. Appeal must be made to the city council within fifteen (15) days, or the decision of the planning and zoning director shall be final.

- E. Termination Of Conditional Use: Conditional use permits for an owner occupied accessory apartment expire one year after the date of sale of the home; or, conditional use permits expire if the home is not sold and the owner moves out of the dwelling. Approval for an accessory apartment may be withdrawn by the city planning and zoning director when the conditions upon which the permit has been issued no longer are maintained by the property owner. A new permit must be obtained if the home is sold and the new owners want the conditional use as an owner occupied accessory apartment.

The decision of the city planning and zoning director to terminate the conditional use is appealable to the city council. Appeal must be made to the city council within fifteen (15) days, or the decision of the planning and zoning director shall be final.

- F. Building Codes: All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling. Although Mapleton City does not recognize accessory apartments as duplexes, accessory apartments must be constructed in accordance with the international residential and commercial code for duplexes except that it is optional with the property owner whether to provide separate gas, water, and electrical systems.
- G. Prior Uses: Owner occupied accessory apartments have not been, prior to enactment of this section, a legal use of land within the city of Mapleton. No accessory apartments existing prior to the enactment of this section shall be "grandfathered", or considered legal solely because they were previously used as such. It is the intent of the city council that all accessory apartments be issued a permit based upon their compliance with the conditions stated herein.
- H. Addressing: Because an owner occupied accessory apartment is not considered a separate dwelling unit, it will not be given a new address. Homes with owner occupied accessory apartments can refer to mail to its renters by the same address as the home and refer to the main address as "A" and the rental address as "B".
- I. Other Apartments Prohibited: There shall be no other type of apartment allowed except as provided in this section. Any portion of a home or dwelling unit that has been sectioned off so that any occupant in the dwelling does not have access to any portion of the home, and contains separate living quarters and/or a kitchen, regardless of the relationship of the occupants, shall be prohibited unless it meets all of the requirements and standards of this section, and an application has been made pursuant to the requirements and conditions of this section. (Ord. 2003-28, 11-5-2003, eff. 12-11-2003)